CHEMICAL HAIR STRAIGHTENERS, HAIR DYES & PRODUCT LIABILITY

Presented BY:
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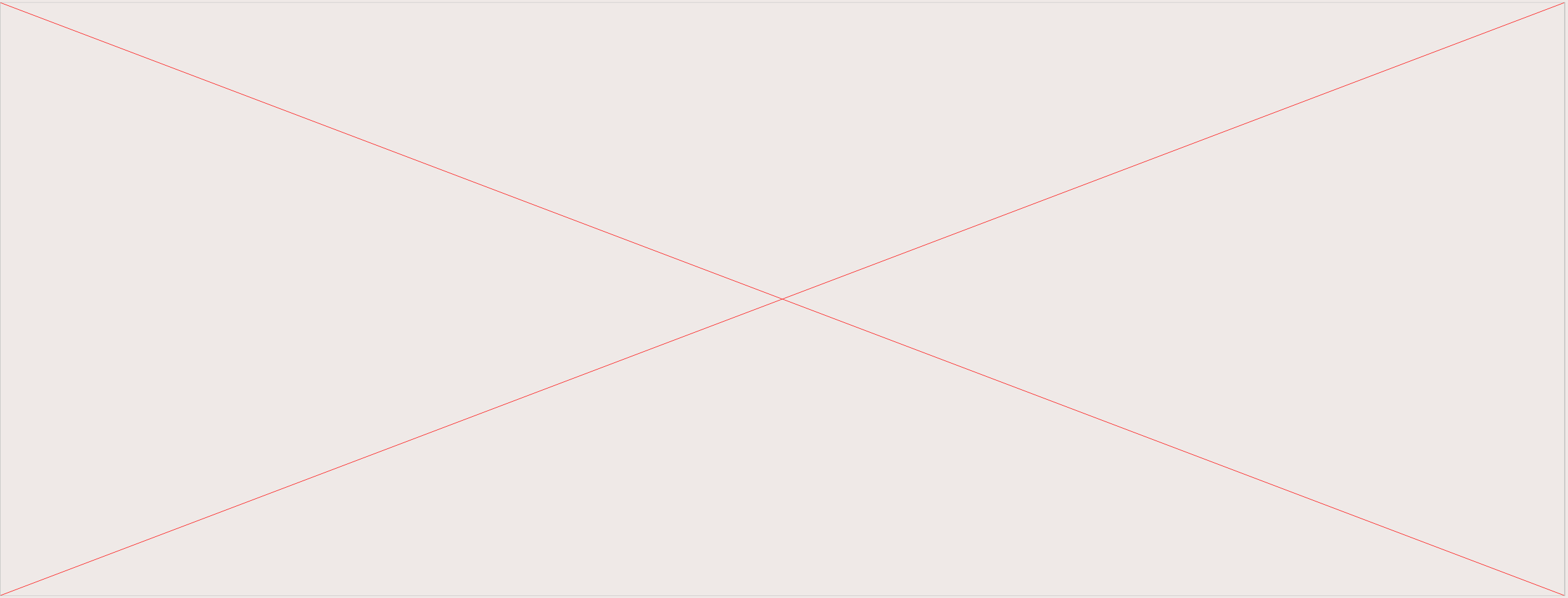
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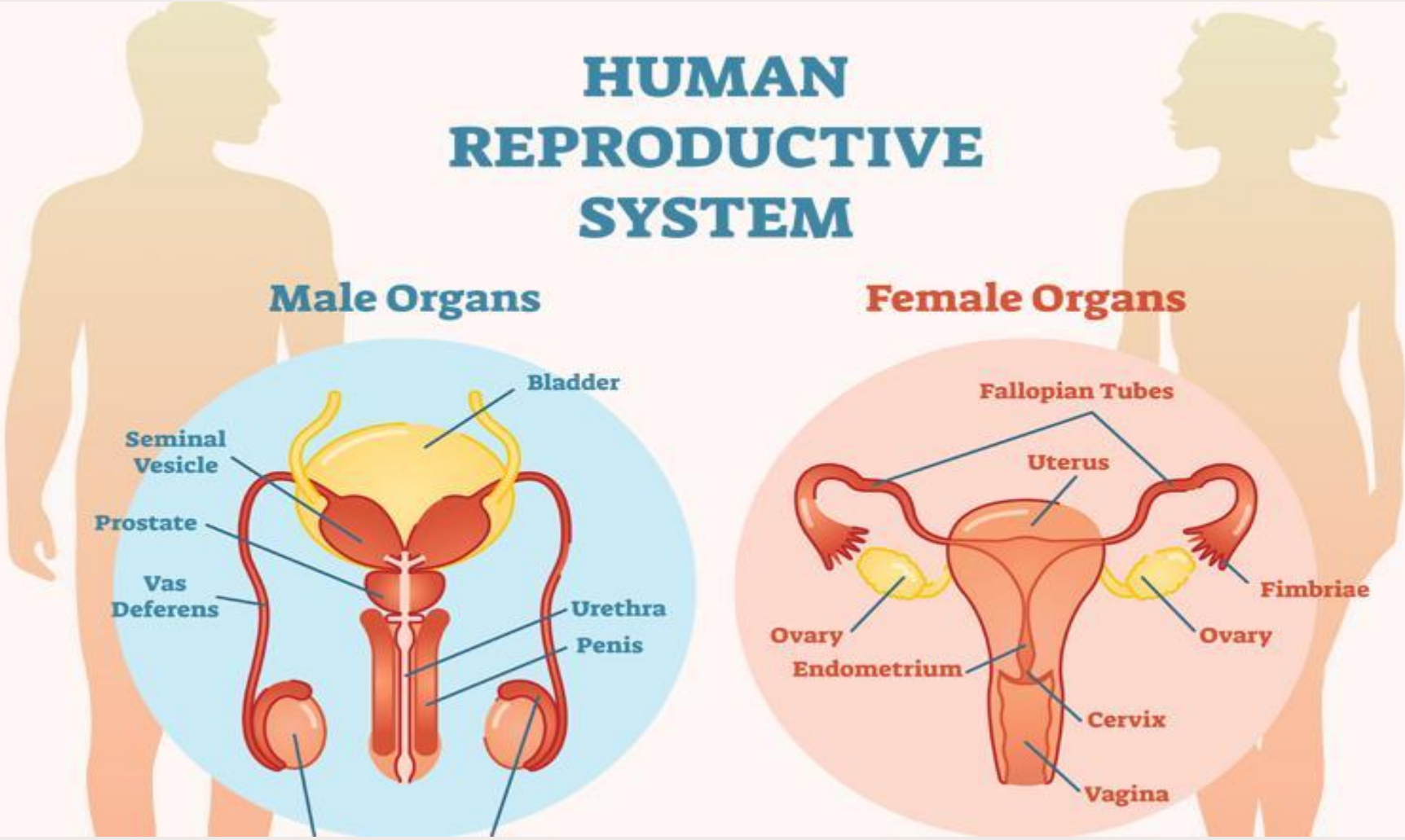
AGENDA

- **Chemical Hair Relaxers Introductory Video (EMAIL/CHAT)**
- **Chemical Relaxers vs Natural Hair**
- **Reproductive Health and Chemical Hair Relaxers**
- **Chemical Hair Relaxers and the Law**
- **Chemical Hair Relaxers Litigation**
- **HAIR DYES LITIGATION**
- **CONCLUSION**

Chemical relaxers vs natural hair



REPRODUCTIVE HEALTH





- **Importance of health law for all women especially those in marginalized communities:**
- “African American women are disproportionately affected by multiple sexual and reproductive health conditions compared with women of other races/ethnicities. Research suggests that social determinants of health, including poverty, unemployment, and limited education, contribute to health disparities. However, racism is a probable underlying determinant of these social conditions.”

Reproductive Health and Chemical Hair Relaxers

- “The **Sister Study** is conducted by the **National Institute of Environmental Health Sciences (NIEHS)**, one of the **National Institutes of Health (NIH)**, of the **U.S. Department of Health and Human Services (HHS)**. From 2003 to 2009, more than 50,000 women across the U.S. and Puerto Rico, who were between ages 35–74 and whose sister had breast cancer, joined this landmark research effort to find causes of breast cancer. Because of their shared environment, genes, and experiences, studying sisters provides a greater chance of identifying risk factors that may help us find ways to prevent breast cancer.”

Chemical Hair Relaxers and the Law

- **Hair Politics/Cultural Norms**

- “Since structural racism consistently puts Black hair into social strife, it is easy for Black women to subject their hair and the movement into an exclusive, political state. It is critical to recognize that Black women exist in anti-Black societies, therefore, any form of Black expression is inherently political. When the public limits Black expression—and in this case, wearing natural hair—to a form of constant resistance, Black women lose access to their humanity.”

- **Public Policy**

Chemical Hair Relaxers and the Law

- **Anti-Discrimination/ protection in the workplace**
- **Federal & State Legislation**
- "The following is the text of **Title VII of the Civil Rights Act of 1964 (Pub. L. 88-352) (Title VII),** as amended, as it appears in volume 42 of the United States Code, beginning at section 2000e. Title VII prohibits employment discrimination based on **race**, color, religion, **sex**, and national origin."

Chemical Hair Relaxers and the Law

- “(k) The terms "because of **sex**" or "on the basis of **sex**" include, but are not limited to, because of or on the basis of pregnancy, childbirth, or related medical conditions; and women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work, and nothing in **section 2000e-2(h)** of this title ***[section 703(h)]*** shall be interpreted to permit otherwise. This subsection shall not require an employer to pay for health insurance benefits for abortion, except where the life of the mother would be endangered if the fetus were carried to term, or except where medical complications have arisen from an abortion: Provided, That nothing herein shall preclude an employer from providing abortion benefits or otherwise affect bargaining agreements in regard to abortion.”

Chemical Hair Relaxers and the Law



Chemical Hair Relaxers and the Law

- **“Creating a Respectful and Open World for Natural Hair Act of 2021 or the CROWN Act of 2021” (CROWN Act)**



Chemical Hair Relaxers and the Law

- **“Creating a Respectful and Open World for Natural Hair Act of 2021 or the CROWN Act of 2021” (CROWN ACT)**
- This bill prohibits discrimination based on a person's hair texture or hairstyle if that style or texture is commonly associated with a particular race or national origin. Specifically, the bill prohibits this type of discrimination against those participating in federally assisted programs, housing programs, public accommodations, and employment.
- Persons shall not be deprived of equal rights under the law and shall not be subjected to prohibited practices based on their hair texture or style.
- The bill provides for enforcement procedures under the applicable laws.”

Chemical Hair Relaxers and the Law

- **Creating a Respectful and Open World for Natural Hair Act “CROWN ACT”– TENNESSEE – Senate Bill 0136**

- **Prohibits EMPLOYMENT discrimination based on natural hair or hairstyles**



Chemical Hair Relaxers and the Law

- **Creating a Respectful and Open World for Natural Hair Act “CROWN ACT”– CALIFORNIA – Senate Bill 188**

- **Prohibits EMPLOYMENT discrimination based on natural hair or hairstyles**



Chemical Hair Relaxers and the Law

- **Creating a Respectful and Open World for Natural Hair Act “CROWN ACT”–TENNESSEE – Senate Bill 0136**

- “Employees, Employers - As enacted, enacts the "CROWN Act: Create a Respectful and Open World for Natural Hair," which prohibits an employer from adopting a policy that does not permit an employee to wear the employee's hair in braids, locs, twists, or another manner that is part of the cultural identification of the employee's ethnic group or that is a physical characteristic of the employee's ethnic group; creates certain exceptions. - Amends TCA Title 4, Chapter 21; Title 8; Title 49 and Title 50.”

Chemical Hair Relaxers litigation



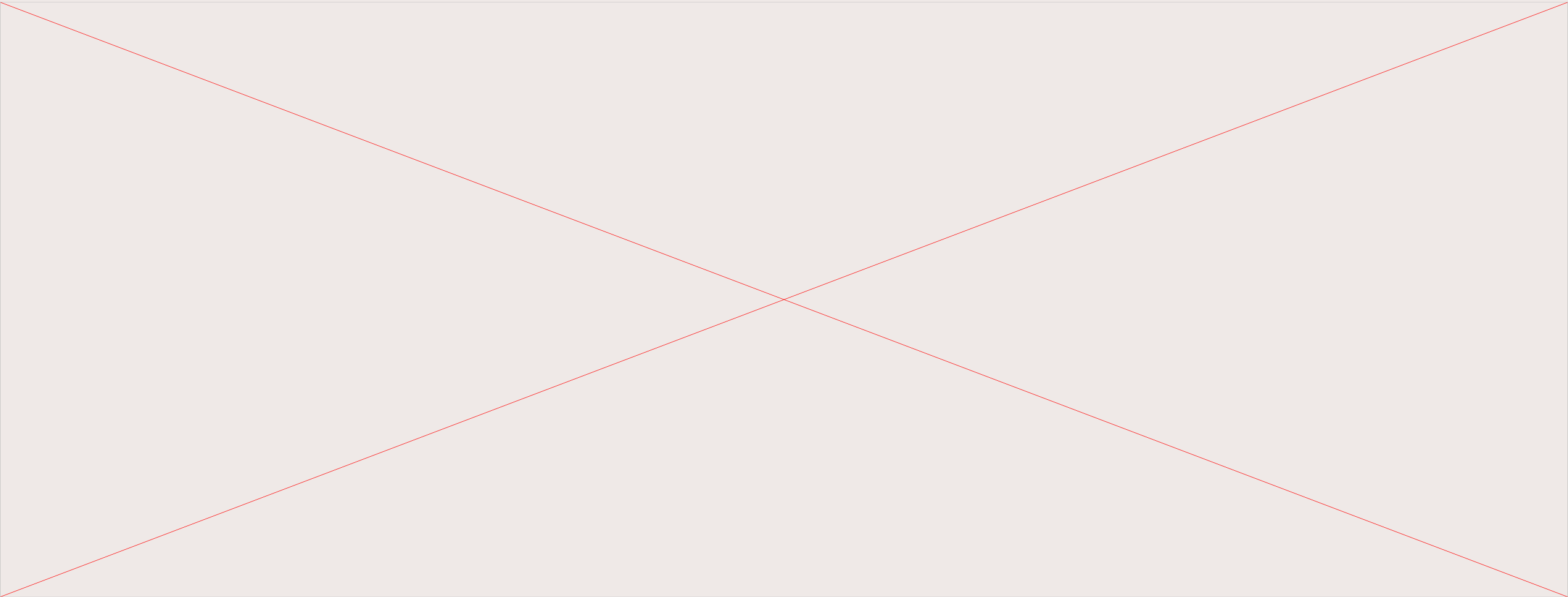
Chemical Hair Relaxers litigation

- **PRODUCTS Liability/Protection in the Marketplace**

- Lawyers have filed lawsuits against L'Oréal USA Inc. and other makers of CHEMICAL hair RELAXER products since last month's release of a U.S. government STUDY linking frequent use of the products to uterine cancer, according to court records.

- The Lawsuits, which claim the CHEMICAL HAIR RELAXER products, caused cancer or other health problems, seek damages to compensate the women for their pain and suffering and economic damages for medical bills and the cost of the products, among other things.

Chemical Hair Relaxers litigation



Chemical Hair Relaxers litigation

- **PRODUCTS Liability/Protection in the Marketplace**
- **BEFORE THE UNITED STATES JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**
- **IN RE: HAIR RELAXER MARKETING, SALES PRACTICES, AND PRODUCTS LIABILITY LITIGATION**
- **INTERESTED PARTY RESPONSE AND MEMORANDUM OF PLAINTIFF ELIZABETH THOMPSON IN SUPPORT OF MOTION FOR TRANSFER OF PRETRIAL PROCEEDINGS PURSUANT TO 28 U.S.C. § 1407**
- **IT IS THEREFORE ORDERED that the actions listed on Schedule A and pending outside the Northern District of Illinois are transferred to the Northern District of Illinois**

Chemical Hair Relaxers litigation

- **PRODUCTS Liability/Protection in the Marketplace**

- **SAMPLE COMPLAINT FOR EDUCATIONAL PURPOSES**

2022 WL 14568457 (N.D.Ill.) (Trial Pleading)
United States District Court, N.D. Illinois.
Jenny MITCHELL, Plaintiff,
v.
L'ORÉAL USA, INC, L'Oréal Usa Products, Inc., Strength of Nature Global, LLC, Soft Sheen/Carson Inc., Soft Sheen Carson (W.I.), Inc., Dabur International Ltd., Dabur Usa Inc., and Namaste Laboratories, LLC, Defendants.

No. 22CV05815.
October 21, 2022.

HAIR DYES litigation

- ACCORDING TO NIH, chemicals in hair dye products have been reported to be carcinogenic (cancer-causing). These include aromatic amines used as dye intermediates in early permanent hair dye formulations.

- In the mid- to late 1970s, manufacturers changed the components in permanent hair dye products to eliminate some carcinogenic chemicals used as dye intermediates. It is unknown whether any chemicals still used in hair dyes are carcinogenic.

HAIR DYES litigation

- CONSUMERS who use hair dyes frequently as part of their job, such as professional hairdressers, likely have higher exposures to potentially harmful chemicals in these products than CONSUMERS who have their hair dyed in a salon or who dye it at home (that is, “personal users” of hair dye). Thus, studies have been conducted to understand both exposure to hair dyes in the occupational setting and exposure from personal use.

- It has been estimated that between 50% and 80% of women in the United States, Japan, and the European Union have used hair dyes. Given the widespread use of hair dye products, if these products had even a small effect on cancer risk, that could translate into a considerable public health impact.

HAIR DYES litigation

- CASE STUDY:

- Plaintiff Melissa Moore of New York says she purchased a Madison Reed “Radiant Hair Color Kit” from **www.ulta.com** in October 2020 based in part because of the representations that the product was free of ammonia, paraphenylenediamine (PPD) and resorcinol. Moore says she relied on these representations and believed the product would be safer for her hair and her health. After Moore used the product for the first time, her scalp became irritated and she experienced hair loss. If she had known that the Madison Reed hair coloring products put her at risk of scalp irritation or hair loss, she would not have purchased the products, the class action lawsuit asserts.

HAIR DYES litigation

- CASE STUDY:

“The Madison Reed hair loss class action lawsuit alleges the company markets itself as an “honest” company “built on integrity, innovation and love.” Madison Reed also states that it created “the first ever Smart 8-Free permanent hair color” that is free of eight harsh ingredients that health-conscious consumers seek to avoid.

Madison Reed has also replaced some of the other “harsh” ingredients with toxic alternatives without warning consumers about the risk of adverse reactions they may pose, Moore alleges. For example, Madison Reed allegedly replaces PPD with paratoluenediamine sulphate (PTDS) and resorcinol with 2-methylresorcinol, which the class action lawsuit says are just as toxic to the human body as the “harsh” ingredients they replace.

Instead of warning consumers about the risks posed by these toxic ingredients, Moore says Madison Reed has “doubled down” on its efforts to convince consumers that their products are safer than other hair care products.”

Q&A- Moderator



Natural Hair and the Law®

Tracy Sanders, Esq.